



MINUTES

CITY OF SCOTTSDALE FIRE LOCAL BOARD OF THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) SPECIAL MEETING

10:00 a.m., Thursday, May 10, 2012
Police and Fire Department Headquarters—Arizona Room
8401 E. Indian School Road
Scottsdale, Arizona 85251

PRESENT: Jack Cross, Chairman/Mayoral Designee
Todd Caverner, Elected Member
Velicia McMillan, Citizen Member/Merit Head
Steve Springborn, Elected Member

ABSENT: Jeffrey Burg, Citizen Member

STAFF: Colleen Barraza
Chanda Washington

OTHERS: Mike Anthony, Esq.
Hannah Auckland, Esq.
Firefighter Dart F. Craytor

Call to order

Chairman Cross called the meeting to order at 10:10 a.m. He stated that the first order of business was the acknowledgement of Board Member Burg's excused absence.

Roll call

A formal roll call confirmed the members present as stated above.

Possible Executive Session

Executive Session may occur at any time during this meeting.

1. Review and approval of meeting minutes—March 15, 2012

BOARD MEMBER CAVNER MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE MARCH 15, 2012 PSPRS FIRE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER SPRINGBORN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

2. Review and approval of executive session meeting minutes—March 15, 2012

BOARD MEMBER CAVNER MOVED TO APPROVE THE EXECUTIVE SESSION MEETING MINUTES OF THE MARCH 15, 2012 PSPRS FIRE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER SPRINGBORN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

3. Discussion and Vote on the Accidental Disability Retirement Application of Firefighter Dart F. Craytor

Ms. Washington reported that the Board notebooks contain Firefighter Dart F. Craytor's accidental disability retirement application, the corresponding IME report, and the accidental disability questionnaire required by Public Safety. She had a hard copy of the medical packet available for review

Chairman Cross invited Firefighter Craytor to explain how his accident occurred before the Board discussed each question on the Public Safety questionnaire. Mr. Anthony sworn in Firefighter Craytor as a witness in his case.

Firefighter Craytor explained that he was injured while participating in a firefighter training drill. A crew of three firefighters were sent into a burning building with zero visibility carrying a hose, thermal imager, and a rick bag containing an air pack and tools weighing approximately 50 pounds. When the crew proceeded into the building he was carrying the rick bag and another firefighter was carrying their tools.

The captain preceded them in order to communicate the best path for the crew to take inside the house. They went up the stairs and when they approached the second floor landing they hooked up and charged their hose before going into the third floor, which was on fire, in order to search for victims.

He elaborated that they put the fire out, located and dislodged the trapped 196 pound dummy victim dressed with an air pack increasing its total weight to approximately 230 pounds.

Firefighter Craytor stated that they put the victim's air mask back on, took the bottle out of the rick bag in order to get the victim breathing again before taking it out of the building. He recalled that when they exited the building he was carrying the toll bag while assisting the whole crew in dragging the hose and victim out.

Firefighter Craytor explained that when the crew climbed down the stairs from the second floor to the first floor he slid down the stairs. By the time they were able to leave

the building he experienced lower back and leg pain, which increased as time went by and he was sent home.

Chairman Cross invited the Board to ask the Applicant questions. Board Member Springborn opined that he understood the situation very well since he participated in the same drill process.

Chairman Cross outlined questions 1 through 4 of the March 28, 2012 Public Safety Questionnaire along with the IME physician's responses as follows:

1. Does Mr. Craytor have a physical or mental condition which totally prevents him from performing a reasonable range of duties within the employee's job description?

Dr. Sievert's response was "Yes, physical."

2. Does Mr. Craytor have a physical or mental condition which permanently prevents him from performing a reasonable range of duties within the employee's job classification?

Dr. Sievert's response was "Yes, physical."

3. Do you feel that Mr. Craytor's disabling condition or injury was incurred in the performance of Mr. Craytor's duty as a firefighter?

Dr. Sievert's response was "Yes."

4. Does Mr. Craytor's disability result from a physical condition or injury that existed or occurred before the Claimant's date of membership in PSPRS?

Dr. Sievert's response was "No. The date given was July 1, 2005."

He invited the Board to discuss Dr. Seivert's IME report.

Board Member Springborn opined that Dr. Seivert's report breaks down the Applicant's case very clearly. Board Member McMillan emphasized that the doctor clearly states that the Applicant was not eligible to continue working and that he should be retired since he qualifies for a medical disability.

In response to Chairman Cross' inquiry regarding whether the applicant was employed, Firefighter Craytor responded that he was not currently employed elaborating that he was recently released from another company where he was teaching because they deemed him to be a liability due to his physical condition.

Board Member Springborn confirmed that Firefighter Craytor 's employment was terminated by the City of Scottsdale.

In response to Chairman Cross' inquiry regarding whether the Applicant terminated employment for participation in the DROP program, Firefighter Craytor responded no.

Chairman Cross summarized that Dr. Seivert has confirmed that the Applicant's injury resulted from the performance of his duties, noting that it was not a pre-existing condition that occurred prior to the Applicant's membership in the PSPRS.

BOARD MEMBER MCMILLAN MOVED TO FIND THAT THE APPLICANT HAS A PHYSICAL OR MENTAL CONDITION WHICH TOTALLY AND PERMANENTLY PREVENTS HIM FROM PERFORMING A REASONABLE RANGE OF DUTIES WITHIN A FIREFIGHTER CLASSIFICATION. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

BOARD MEMBER MCMILLAN MOVED TO FIND THAT THE APPLICANT'S DISABLING CONDITION WAS INCURRED IN THE PERFORMANCE OF HIS DUTIES AS A FIREFIGHTER. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

BOARD MEMBER MCMILLAN MOVED TO FIND THAT THE APPLICANT'S DISABILITY DID NOT RESULT FROM A PHYSICAL OR MENTAL CONDITION OR INJURY THAT EXISTED OR OCCURRED PRIOR TO THE APPLICANT'S DATE OF MEMBERSHIP IN THE PSPRS, WHICH IS JULY 1, 2005. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

BOARD MEMBER MCMILLAN MOVED TO APPROVE THE ACCIDENTAL DISABILITY RETIREMENT PENSION OF FIREFIGHTER DART F. CRAYTOR SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

4. Discussion of letter to the Scottsdale Fire PSPRS Board from Board attorneys Hannah Auckland and Mike Anthony concerning legal standards governing causation and medical certainty in accidental disability cases.

Chairman Cross reported that the letter provided to the Fire Local Board by legal counsel offers supporting case law and additional legal standards governing causation and medical certainty disability cases.

He recalled that the Police Local Board had already discussed the document in open session in order to make it a public document available for review by future applicants.

Ms. Auckland recalled during the Board's March 15, 2012 Executive Session meeting they had agreed to make the letter part of the public record and there was therefore no need to make a motion approving the letter.

Board Member Springborn requested that the Board adjourn into Executive Session in order to discuss various sensitive matters.

CLOSED PUBLIC HEARING

BOARD MEMBER SPRINGBORN MOVED TO RECESS INTO EXECUTIVE SESSION FOR THE DISCUSSION OF LEGAL STANDARDS AND VARIOUS SENSITIVE MATTERS. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

5. Board suggestions for upcoming agenda items.

In response to Board Member Springborn's inquiry regarding whether staff was able to determine who would be reappointed to the Board, Ms. Washington explained that they would need to have an election for both Board Members Cavner and Springborn since one member's term will expire, and the other member's reappointment date was missed. Upon the conclusion of the election, one member's term would be for two years and the other member's term would be for four years.

ADJOURNMENT:

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:06 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Fire Local Board Secretary

Jack Cross
PSPRS Chairman/Mayoral Designee